

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RICHIE FOSTER LEVINE,

Plaintiff,

v.

1:22-CV-891
(GLS/DJS)

PATRICK BABIARZ,
*Individually and in His Personal and
Official Capacity as New York State
Police Investigator,*

Defendant.

APPEARANCES:

OF COUNSEL:

RICHIE FOSTER LEVINE
Plaintiff, *Pro Se*
Hoosick Falls, New York 12090

DANIEL J. STEWART
United States Magistrate Judge

ORDER

It is hereby

ORDERED, that the Clerk shall issue Summonses and forward them along with a packet containing General Order 25, which sets forth the Civil Case Management Plan used by the Northern District of New York, along with copies of the Complaint and this Order to the United States Marshal for service upon the Defendant; and it is further

ORDERED, that a response to the remaining claims in the Complaint¹ be filed by Defendant or Defendant's counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on Defendant; and it is further

ORDERED, that the Clerk is directed to schedule a Rule 16 Conference before the assigned Magistrate Judge; and it is further

ORDERED, that all motions shall comply with the Local Rules of Practice of the Northern District. In accordance with the Local Rules, **Plaintiff must promptly notify the Clerk's Office and all parties or their counsel of any change in Plaintiff's address; his failure to do so will result in the dismissal of this action;** and it is further

ORDERED, that the Clerk serve a copy of this Order upon Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: July 28, 2023
Albany, New York



Daniel J. Stewart
U.S. Magistrate Judge

¹ Following a July 26, 2023 summary order issued by United States District Court Senior Judge Gary L. Sharpe, the only claims remaining after initial review are Levine's claims for malicious prosecution and fabrication of evidence, asserted against Babiarz in his individual capacity. Dkt. No. 12.